

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:11-CT-3036-D

QUINEA WAITERS, )  
Plaintiff, )  
v. )  
C/O LEE, et al., )  
Defendants. )

## **ORDER**

On February 18, 2011, Quinea Waiters (“Waiters” or “plaintiff”), a state inmate appearing pro se, filed this complaint seeking relief pursuant to 42 U.S.C. § 1983 [D.E. 1]. Waiters seeks leave to proceed in forma pauperis [D.E. 2]. Waiters names seventeen defendants. On August 1, 2011, Waiters filed a motion to dismiss this action without prejudice [D.E. 6].

A plaintiff may dismiss an action voluntarily, without an order of the court, by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i). No defendant has filed an answer or a motion for summary judgment. Thus, the court will allow the voluntary dismissal.

Waiters's motion for dismissal without prejudice [D.E. 6] is ALLOWED. The Clerk of Court is DIRECTED to refund to Waiters's trust fund account the partial filing fee collected, to notify the Department of Correction to cease drafting funds from Waiters's trust account for this case, and to close this case.

SO ORDERED. This 5 day of August 2011.

  
JAMES C. DEVER III  
United States District Judge